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Republic of the Philippines
PROVINCE OF LEYTE

Item No.: 11
Date: 31 JAN 2023

PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 1-29-23

SP Records
JAN 24 2023

2nd Indorsement
January 18, 2022

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance Nos 10 S. 2022 of the SB of Merida, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, authorized under Section 16 of the Code. In relation with Section 148 (b) thereof.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer [Signature]

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
17 January 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 10, SERIES OF 2022 OF THE MUNICIPALITY OF MERIDA, LEYTE, ENTITLED: AN ORDINANCE PRESCRIBING FOR THE CALIBRATION AND SEALING OF DISPENSING PUMPS OF LIQUID FUELS RETAIL OUTLETS IN THE MUNICIPALITY OF MERIDA, PROVINCE OF LEYTE.**

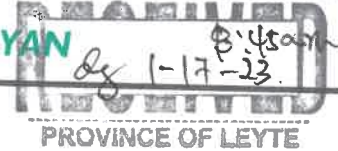

FLORINDA J. S. UYVICO
Secretary to the Board



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN



January 11, 2023

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
SP LEGISLATIVE BUILDING
CAPITOL GROUNDS
TACLOBAN CITY

DEAR HONORABLE SP MEMBERS;

I HAVE THE HONOR TO SUBMIT TO THE SANGGUNIANG PANLALAWIGAN OF LEYTE COPIES OF **MUNICIPAL ORDINANCE NO. 10, SERIES OF 2022 – “AN ORDINANCE PRESCRIBING FOR THE CALIBRATION AND SEALING OF DISPENSING PUMPS OF LIQUID FUELS RETAIL OUTLETS IN THE MUNICIPALITY OF MERIDA, PROVINCE OF LEYTE”** ENACTED BY THE 18TH COUNCIL OF MERIDA, LEYTE FOR REVIEW AND CONSIDERATION.

HOPING EVERYTHING IS IN ORDER.

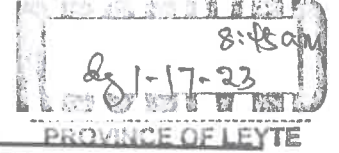
THANK YOU.

RESPECTFULLY,


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 13TH REGULAR SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL), MERIDA, LEYTE HELD ON SEPTEMBER 26, 2022 AT THE LEGISLATIVE BUILDING SESSION HALL.

-RESOLUTION NO. 18-22-139-

A RESOLUTION APPROVING MUNICIPAL ORDINANCE NO. 10, SERIES OF 2022 "AN ORDINANCE PRESCRIBING FOR THE CALIBRATION AND SEALING OF DISPENSING PUMPS OF LIQUID FUELS RETAIL OUTLETS IN THE MUNICIPALITY OF MERIDA, PROVINCE OF LEYTE."

NOW, WHEREFORE, ON MOTION of Hon. Nenfa C. Oyao, Chairman of the Committee on Women, Family Relations, and Social Services, duly seconded by Hon. Amelita R. Galam, BE IT RESOLVED TO ENACT;

MUNICIPAL ORDINANCE NO. 10
SERIES OF 2022

"AN ORDINANCE PRESCRIBING FOR THE CALIBRATION AND SEALING OF DISPENSING PUMPS OF LIQUID FUELS RETAIL OUTLETS IN THE MUNICIPALITY OF MERIDA, PROVINCE OF LEYTE."

Be it Ordained by the Sangguniang Bayan (18th Council) of Merida, Leyte on its Regular Session assembled and by Authority of the same that;

SECTION 1. TITLE – This Ordinance shall be known and cited as, "An Ordinance Prescribing for the Calibration and Sealing of Dispensing Pumps of Liquid Fuels Retail Outlets in the Municipality of Merida, Province of Leyte."

SECTION 2. DEFINITION OF TERMS

- a. **Calibration** – shall refer to the process of checking, adjusting or determining by comparison with a standard the condition of the dispenser to ensure delivery of accurate volume of Liquid Fuels.
- b. **Dispenser** – shall refer to the equipment used to deliver or transfer Liquid Fuels, and which is installed in the forecourt within a Retail Outlet that comprises of a dispensing nozzle and a volumetric meter.
- c. **Dispensing** – shall refer to the act of transferring Liquid Fuels from the dispenser to motorists, end-users or other customers.
- d. **DOE** – shall refer to the Department of Energy
- e. **DOST – ITDI** – shall refer to the Department of Science of Technology – Industrial Technology Development Institute.
- f. **Illegal Trading** – the sale or distribution of Liquid Fuels for profit without license or authority from the Department of Energy, and from other concerned government agencies.
- g. **Liquid Fuels** – shall refer to gasoline, diesel and kerosene.
- h. **NML** – shall refer to the National Metrology Laboratory of the Department of Science and Technology – Industrial Technology Development Institute.
- i. **Retail Outlet** – shall refer to a dispensing station, refilling station facility or business establishment which sells or dispenses Liquid Fuels directly to motorists, end-users or other customers.
- j. **Retailing** – shall refer to the act of selling or retailing of Liquid Fuels directly to motorists, end-users or other customers
- k. **Test Measure** – shall refer to a calibration bucket that is used to measure the quantity of Liquid Fuels.

SECTION 3. CALIBRATION AND SEALING OF DISPENSERS

All dispensers used in the retailing / dispensing Liquid Fuels in Retail Outlets within the Municipality of Merida must be properly calibrated and sealed by the Municipal Treasurer, or his authorized representative, regularly every 90 days.

G. Castro R. Y. M. J.

[Handwritten signatures and initials]



(CONTINUATION OF RESOLUTION NO. 18-22-139, MUNICIPAL ORDINANCE NO. 10, SERIES OF 2022, DATED SEPTEMBER 26, 2022.//02)

A dispenser not delivering or dispensing the correct quantity using a calibrated Test Measure shall be properly marked with an "OUT OF ORDER" sign and shall not be used until such dispenser is calibrated and sealed.

All calibration and sealing shall be duly documented and signed by the Municipal Treasurer, or his authorized representative, and countersigned by the Retail Outlet owner, or his authorized representative. A copy of this calibration documents shall be retained by the Retail Outlet.

After calibration and sealing, a sticker having a dimension of at least one-half (1/2) inch by two (2) inches and bearing the logo or distinguishing mark or name of the Municipality, the name and signature of the Municipal Treasurer, or his authorized representative, shall be posted in the face of the dispenser.

Retail Outlet with dispenser that is not calibrated and/or properly sealed shall constitute ILLEGAL TRADING. A detached or broken seal shall constitute ILLEGAL TRADING.

SECTION 4. TEST MEASURE AND CALIBRATION LOG BOOK

All liquid Fuels Retail Outlets within the territorial jurisdiction of the Municipality of Merida shall maintain its own calibrated and sealed Calibrating Bucket. The Calibrating Bucket must be calibrated and sealed every 12 months by the DOST-ITDI.

The Retail Outlet shall conduct regular weekly calibration testing of all its dispensers which reading shall recorded in a Calibration Log Book required by the DOE and shall be available to the general public.

A dispenser that is found to be not delivering or dispensing the correct quantity shall be marked with an "OUT OF ORDER" sign and shall not be used until such dispenser is calibrated or sealed.

SECTION 5. PENALTY AND SANCTIONS

Any person engaged in the business of retailing or dispensing Liquid Fuels who commits ILLEGAL TRADING, as mentioned in Section 3, shall be subject to the following penalties:

- FIRST OFFENSE** - a fine of One Thousand Five Hundred Pesos (Php1,500.00)
- SECOND OFFENSE** - a fine of Two Thousand Five Hundred Pesos (Php2,500.00)
- THIRD OFFENSE** - Revocation of Business Permit

SECTION 6. IMPOSITION OF FEES

The following are hereby levied for the calibration and sealing of every dispenser:

- Calibration Fee** - Php200 / nozzle / calibration
- Sealing** - Php100 / sealing
- Calibration Certificate** - Php50

SECTION 7. SEPARABILITY CLAUSE.

If any provision of this Ordinance is, for any reason, declared to be unconstitutional or invalid, the remainder of this Ordinance or any provision hereof which are affected thereby shall continue to be valid and enforceable.

SECTION 8. EFFECTIVITY CLAUSE

This Ordinance shall take effect after its posting at a conspicuous place in the Municipal Hall for three (3) consecutive weeks and publication in a newspaper of general circulation.

SECTION 9. SEPARABILY CLAUSE

If for any reason, any section of the provision or jurisdiction, or by the Secretary of Justice, such judgement shall not

ENACTED BY THE SANGGUNIANG BAYAN (18TH COUNCIL) OF MERIDA, LEYTE AT ITS REGULAR SESSION HELD ON THE 26TH DAY OF SEPTEMBER 2022.

APPROVED UNANIMOUSLY.

J. Antonio R. Mag...

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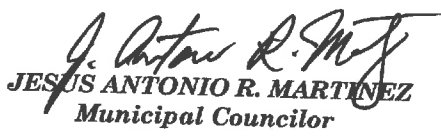


(CONTINUATION OF RESOLUTION NO. 18-22-139, MUNICIPAL ORDINANCE NO. 10, SERIES OF 2022, DATED SEPTEMBER 26, 2022.....//03)

SANGGUNIANG BAYAN MEMBERS


CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader



JOEL A. MARSON
Municipal Councilor



JESUS ANTONIO R. MARTINEZ
Municipal Councilor



EMARITO A. LUZARES
Municipal Councilor
Majority Floor Leader


CAMILO L. DEJON
Municipal Councilor


FELIPE H. PEREZ, JR.
Municipal Councilor


NENIA C. OYAO
Municipal Councilor


STEPHANIE M. MIRALLES
Municipal Councilor


AMELITA R. GALAM
Ex Officio (LnB President)


RALPH STEEV M. MIRALLES
Ex-Officio (Mun. Sh. Federation President)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON _____, 2022.

APPROVED BY:


ENGR. ROLANDO M. VILLASENICO
Municipal Mayor

CERTIFIED BY:


RODRIGO M. WENCESLAO
Municipal Vice Mayor / Presiding Officer

ATTESTED BY:

PHIALENE ROSARI C. BARONDA
Secretary to the Mayor


JOSELITO T. DE LOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. 10, SERIES OF 2022 – “AN ORDINANCE PRESCRIBING FOR THE CALIBRATION AND SEALING OF DISPENSING PUMPS OF LIQUID FUELS RETAIL OUTLETS IN THE MUNICIPALITY OF MERIDA, PROVINCE OF LEYTE”** had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from SEPTEMBER 28, 2022 to OCTOBER 19, 2022.

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 11TH day of January 2023 at Merida, Leyte, Philippines.


JOSELITO T. DELOS ANGELES
Secretary to the Sanggunian